

# INTERNATIONAL SEARCH REPORT

PCT/GB2004/003491

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 G01N33/543 G01N33/53 G01N33/569 C12P21/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 G01N C12P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 786 161 A (IRSCH JOHANNES ET AL) 28 July 1998 (1998-07-28) column 4, line 1 - column 6, line 24	1,3,4,6, 7
A	WO 94/09117 A (MILTENYI BIOTEC INC ; MILTENYI STEFAN (DE); RADBRUCH ANDRÉAS (DE); MAN) 28 April 1994 (1994-04-28) claims 1-59	1-7
A	WO 02/057423 A (CHEN GANG ; FANDL JAMES P (US); STAHL NEIL (US); REGENERON PHARMA (US)) 25 July 2002 (2002-07-25) page 25, line 20 - page 31, line 6	1-7
A	WO 99/58977 A (ASSENMACHER MARIO ; MILTENYI STEFAN (DE); SCHMITZ JURGEN (DE); MILTENY) 18 November 1999 (1999-11-18) abstract	1-7
----- -/--		

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

1 October 2004

Date of mailing of the international search report

08/10/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Diez Schlereth, D

# INTERNATIONAL SEARCH REPORT

PCT/GB2004/003491

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92/02551 A (UNIV BRITISH COLUMBIA ; B R CENTRE LIMITED (CA)) 20 February 1992 (1992-02-20) cited in the application the whole document	1-7
P, X	WO 2004/051268 A (LIGHTWOOD DANIEL JOHN ; BUTLER LISA (GB); BROWN DEREK THOMAS (GB); CEL) 17 June 2004 (2004-06-17) the whole document	1,2,5,7

# INTERNATIONAL SEARCH REPORT

PCT/GB2004/003491

## Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 8-10  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

## FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box II.2

Claims Nos.: 8-10

Claims 8-10 do not meet the requirements of Art. 6 PCT in combination with Art. 5 PCT, for the following reason: it is not possible to know the extent of the scope of claim 8 because this claim defines the subject-matter for which protection is sought (an antibody) by its manufacture process instead of by technical features inherent to said antibody. Analogous arguments apply for the subject-matter of claims 9-10.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

PCT/GB2004/003491

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5786161	A	28-07-1998	AU 3032797 A	05-01-1998
			CA 2250746 A1	11-12-1997
			DE 69701576 D1	04-05-2000
			DE 69701576 T2	19-10-2000
			WO 9746880 A1	11-12-1997
			EP 0918992 A1	02-06-1999
			US 5916818 A	29-06-1999
WO 9409117	A	28-04-1994	AT 237808 T	15-05-2003
			AU 679949 B2	17-07-1997
			AU 5538594 A	09-05-1994
			CA 2146974 A1	28-04-1994
			DE 69332884 D1	22-05-2003
			DE 69332884 T2	20-11-2003
			EP 1324040 A2	02-07-2003
			EP 0667896 A1	23-08-1995
			ES 2191677 T3	16-09-2003
			JP 8504574 T	21-05-1996
			WO 9409117 A1	28-04-1994
WO 02057423	A	25-07-2002	CA 2434802 A1	25-07-2002
			EP 1392859 A2	03-03-2004
			JP 2004520037 T	08-07-2004
			WO 02057423 A2	25-07-2002
			US 2002168702 A1	14-11-2002
WO 9958977	A	18-11-1999	AU 765085 B2	11-09-2003
			AU 4073699 A	29-11-1999
			CA 2330678 A1	18-11-1999
			EP 1078263 A1	28-02-2001
			JP 2002514765 T	21-05-2002
			WO 9958977 A1	18-11-1999
			US 6576428 B1	10-06-2003
			US 2004023377 A1	05-02-2004
WO 9202551	A	20-02-1992	CA 2090126 A1	03-02-1992
			CA 2390512 A1	20-02-1992
			WO 9202551 A1	20-02-1992
			EP 0542810 A1	26-05-1993
			US 5627052 A	06-05-1997
WO 2004051268	A	17-06-2004	WO 2004051268 A1	17-06-2004